

APPEAL NO. 031079
FILED JUNE 17, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 et seq. (1989 Act). A contested case hearing was held on April 8, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant beneficiary) was not a dependent of (decedent) at the time of his death and is not entitled to death benefits, and that the claimant beneficiary did not show good cause for failure to file a Notice of Fatal Injury or Occupational Disease/Claim for Compensation for Death Benefits (TWCC-42) within one year of the death of the deceased. The claimant beneficiary appealed. The respondent (carrier) responded, arguing that the claimant beneficiary's appeal was insufficient and that there was sufficient evidence to support the hearing officer's determinations.

DECISION

Affirmed.

The carrier essentially argues in its response that the claimant beneficiary's appeal is insufficient because she failed to appeal any specific findings of fact or conclusions of law. We cannot agree that the claimant beneficiary's appeal is insufficient to serve as an appeal. Rather, we interpret it as an evidentiary sufficiency challenge to the hearing officer's decision and it will be treated as such. We have reviewed the request for review and consider it adequate as an appeal.

The 1989 Act makes the hearing officer the sole judge of the weight and credibility of the evidence and the appealed issues essentially present questions of fact Section 410.165(a). We conclude that the hearing officer's determinations are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Veronica Lopez-Ruberto
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge